

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDITH MAE MAY,

Plaintiff,

v.

Case No. 20-CV-1024

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

Plaintiff Edith Mae May is representing herself. She filed a complaint along with a petition to proceed without prepayment of the filing fee (*in forma pauperis*) pursuant to 28 U.S.C. § 1915. (ECF No. 2.) However, May did not submit a copy of her certified prison trust account statement along with her motion. The trust account statement is used to calculate the amount of the initial partial filing fee pursuant to the Prison Litigation Reform Act (“PLRA”) *See* 28 U.S.C. § 1915(b)(1). An inmate is required under the PRLA to submit the trust account statement after obtaining it from the appropriate official at her institution. *Id.* § 1915(a)(2). To that end, the Clerk of Court sent May a letter on July 9, 2020 requesting that the trust account statement be filed within 21 days. (ECF No. 3.) May did not submit the certified trust account statement by that deadline. May has two other cases before me: Case No. 20-cv-829 and Case No. 20-cv-948. In Case No. 20-cv-948, she submitted a letter that I construed as a motion to use her release account to pay for

copies of the certified trust account. (Case No. 20-cv-948, ECF No. 5.) I denied that motion because using release accounts to pay general litigation costs flouts the purpose of the release account. (Case No. 20-cv-948, ECF No. 6.) I also entered an order in this case directing May to provide a certified copy of her trust account statement by August 28, 2020 and indicated that I would accept one copy for all three cases. (ECF No. 8.) I warned May that if she did not provide the certified trust account statement by August 28, 2020, I would dismiss this case without prejudice and without further notice to her. (*Id.*)

May filed a letter on August 18, 2020 and filed a copy of a trust account statement that was partial and uncertified. (ECF Nos. 9, 10.) The letter also stated that she does not have funds to pay for a certified copy. Unfortunately, I cannot accept the uncertified copy under 28 U.S.C. § 1915(a)(2). As such, I entered a text only order on August 24, 2020 explaining that the uncertified copy does not satisfy the statutory requirements and reminded May of her obligation to provide a certified copy by August 28, 2020.

As I explained in my September 15, 2020 order in Case No. 20-cv-948, May's past choices regarding prior litigation seem to have depleted her funds and her ability to obtain a legal loan from Taycheedah Correctional Institution, and she is unable to provide a certified copy of her trust account statement. May, therefore, has failed to comply with both the terms of the PLRA and my August 7 and August 24 orders. I have given May ample opportunity to comply, and I have warned May repeatedly that failure to comply would result in dismissal of her case. I would be

within my discretion to dismiss this complaint and the complaints in her other two cases outright. *See* Civil L.R. 41(c); *Vaughn v. Litscher*, Case No. 16-cv-1486, 2017 WL 78498 at *1 (E.D. Wis. Jan 9, 2017).

However, I will give May one final opportunity to proceed on this case. I will deny her request for leave to proceed *in forma pauperis*, because her request, without the certified trust account statement, is incomplete. As such, I cannot determine if she meets the requirements to proceed *in forma pauperis*. I will also give May ten days from the date of this order to pay the full \$400 filing fee. If she fails to do so by this date, her complaint will be dismissed without prejudice.

IT IS THEREFORE ORDERED that May's motion for leave to proceed without prepayment of the filing fee (ECF No. 2) is **DENIED**. She must pay the full \$400.00 filing fee by **September 25, 2020** or her case will be dismissed without prejudice and without further notice to her based on her failure to diligently prosecute it.

Dated at Milwaukee, Wisconsin this 16th day of September, 2020.

BY THE COURT:

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge